

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARK A. GENOVEZOS,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-12242-NMG
	)	
SHERIFF HODGSON, ET AL.,	)	
Defendants.	)	

MEMORANDUM AND ORDER

On December 28, 2004, this Court issued a Memorandum and Order (#7) requiring the Plaintiff Mark Genovezos to either pay the filing fee or file a completed Application to Proceed *in forma pauperis* accompanied by his certified prison balance statement for the prior six months, in accordance with 28 U.S.C. § 1915. Additionally, Plaintiff was directed to show cause why this action should not be dismissed for the reasons stated in that Memorandum and Order.

Plaintiff sought, and was given, additional time to April 1, 2005, to comply with that Order. Subsequently, Plaintiff advised the Court of difficulty in obtaining a prison account statement, and this Court issued an Order to the Bristol County Sheriff's Office (#13) to provide such information. To date, the Court has not received any prison account information.

A review of the docket further reveals that mail to Plaintiff has been returned as undeliverable on several occasions, because Plaintiff had been relocated. Plaintiff failed to keep this Court apprised<sup>s</sup> of his whereabouts, in accordance with the requirements of Local Rule 83.5.2(e).<sup>1</sup> On May 17, 2005 Plaintiff sent a letter to this Court (#14) with a new mailing address, and

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<sup>1</sup>Local Rule 83.5.2(e) provides:

Each attorney appearing and each party appearing pro se is under a continuing duty to notify the clerk of any change of address and telephone number. Notice under this rule shall be filed in every case. Any attorney or party appearing pro se who has not filed an appearance or provided the clerk with his current address in accordance with this rule

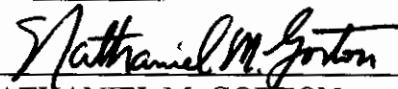
a request to be informed of any further action of this Court.

To date, however, Plaintiff has failed to comply with the Court's prior Memorandum and Order (#7), in that he has failed to submit the appropriate documentation regarding his motion for leave to proceed *in forma pauperis*, and he has failed to demonstrate good cause why this action should not be dismissed.

Accordingly, for the reasons set forth in the December 28, 2004 Memorandum and Order, and for Plaintiff's failure to comply with that Memorandum and Order within the time period allowed by this Court, it is hereby ORDERED that this action is dismissed without prejudice.

SO ORDERED.

Dated at Boston, Massachusetts, this 27<sup>th</sup> day of June, 2005

  
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NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE

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shall not be entitled to notice. Notice mailed to an attorney's or party's last address of record shall constitute due notice contestable only upon proof of a failure to mail delivery. (emphasis added)